

## CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Patrick Yu	Team: Squad #3	CCRB Case #: 201806959	<input type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Monday, 08/13/2018 9:30 AM	Location of Incident: [REDACTED]	Precinct: 32	18 Mo. SOL 2/13/2020	EO SOL 2/13/2020	
Date/Time CV Reported Mon, 08/13/2018 10:00 AM	CV Reported At: CCRB	How CV Reported: Phone	Date/Time Received at CCRB Thu, 08/23/2018 10:31 AM		

Complainant/Victim	Type	Home Address
[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]

Witness(es)	Home Address
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]

Subject Officer(s)	Shield	TaxID	Command
1. POM Gregori Perez	12078	957024	PSA 6
2. POM Percy Quispe	09875	964715	PSA 6
3. DT3 Michael Fratangelo	1981	948210	WARRSEC
4. DT3 John Ambrosino	807	949998	WARRSEC
5. SGT Carlos Matos	01755	945965	PSA 6
6. An officer			

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. DT3 Daniel Silverio	5916	943816	WARRSEC
2. POM Lawrence Stayton	26216	946291	PSA 6

Officer(s)	Allegation	Investigator Recommendation
A. An officer	Abuse: An officer threatened § 87(2)(b) with the use of force.	[REDACTED]
B. An officer	Abuse: An officer threatened to arrest § 87(2)(b)	[REDACTED]
C.DT3 John Ambrosino	Abuse: Detective John Ambrosino interfered with § 87(2)(b) use of a recording device.	[REDACTED]
D.DT3 John Ambrosino	Abuse: Detective John Ambrosino threatened to arrest § 87(2)(b)	[REDACTED]
E.SGT Carlos Matos	Abuse: Sergeant Carlos Matos entered § 87(2)(b) in Manhattan.	[REDACTED]
F.DT3 Michael Fratangelo	Abuse: Detective Michael Fratangelo entered § 87(2)(b) in Manhattan.	[REDACTED]
G.POM Percy Quispe	Abuse: Police Officer Percy Quispe entered § 87(2)(b) in Manhattan.	[REDACTED]
H.POM Gregori Perez	Abuse: Police Officer Gregori Perez entered § 87(2)(b) in Manhattan.	[REDACTED]

### Case Summary

On August 13, 2018, § 87(2)(b) filed this complaint with IAB on behalf of herself and her daughter, § 87(2)(b).

On August 13, 2018, at approximately 9:30 a.m., Det. Daniel Silverio, Det. John Ambrosino, and Det. Michael Fratangelo of Warrant Section, arrived at § 87(2)(b) in Manhattan regarding a parole warrant investigation. An officer allegedly told § 87(2)(b) “I’m going to tase you and put you in cuffs” (**Allegation A: Abuse of Authority, § 87(2)(g)**); **Allegation B: Abuse of Authority, § 87(2)(g)**). § 87(2)(b) later arrived at the location and spoke with the officers. As § 87(2)(b) was recording the officers, Det. Ambrosino allegedly pushed her hand away (**Allegation C: Abuse of Authority, § 87(2)(g)**). During the incident, Det. Ambrosino threatened to arrest § 87(2)(b) (**Allegation D: Abuse of Authority, § 87(2)(g)**).

Sgt. Carlos Matos, PO Gregori Perez, PO Percy Quispe, PO Lawrence Stayton of PSA 6 arrived on the scene. Sgt. Matos, PO Perez, PO Quispe, and Det. Fratangelo entered § 87(2)(b) (**Allegation E: Abuse of Authority, § 87(2)(g)**; **Allegation F: Abuse of Authority, § 87(2)(g)**; **Allegation G: Abuse of Authority, § 87(2)(g)**; **Allegation H: Abuse of Authority, § 87(2)(g)**). The officers left and no one was arrested or issued a summons.

§ 87(2)(b) provided two video clips she recorded with her cellphone during the incident and Det. Ambrosino provided a video clip he recorded with his Department cellphone.

§ 87(2)(b) and § 87(2)(b) did not cooperate during the investigation, but the investigation proceeded based on video footage from § 87(2)(b) cellphone and Det. Ambrosino’s Department cellphone which captured some of the allegations.

### Findings and Recommendations

**Allegation (A) Abuse of Authority: An officer threatened § 87(2)(b) with the use of force.**

**Allegation (B) Abuse of Authority: An officer threatened to arrest § 87(2)(b)**  
In her initial complaint to IAB, § 87(2)(b) stated that while § 87(2)(b) was alone in the residence, § 87(2)(b) called her and informed her that there were officers outside the door. During the call, § 87(2)(b) heard officers say, “I’m going to tase you and put you in cuffs.” § 87(2)(b) and § 87(2)(b) were uncooperative with providing sworn testimony to the CCRB.

In a phone statement, § 87(2)(b) § 87(2)(b) sister, also stated that she received a call from § 87(2)(b) who informed her that someone was banging at the door (Board Review 01). She was not present when the officers allegedly made the statement. § 87(2)(b) was uncooperative with providing a sworn testimony to the CCRB.

The allegations were not captured on video.

Det. Silverio, Det. Ambrosino, and Det. Fratangelo arrived at the residence because Det. Silverio received information that the subject of a parole warrant, Richard Smith, might be inside the residence (Board Review 02-04). There were no additional officers when Det. Silverio spoke with § 87(2)(b) through the door. All of the officers denied saying, “I’m going to tase you and put you in cuffs.”

§ 87(2)(g)  
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**Allegation (C) Abuse of Authority: Detective John Ambrosino Detective John Ambrosino interfered with § 87(2)(b) s use of a recording device.**

In her initial complaint to IAB, § 87(2)(b) stated that while she was walking towards Det. Fratangelo and recording the incident, Det. Ambrosino pushed her hand away and said, “You’re getting close to my face.” § 87(2)(b) was uncooperative with providing sworn testimony to the CCRB.

In a phone statement, § 87(2)(b) stated that she saw Det. Ambrosino push § 87(2)(b) hand as she was recording and Det. Ambrosino said, “Don’t put the phone in my face” (Board Review 01). § 87(2)(b) stated that § 87(2)(b) hand was not in Det. Ambrosino’s face. § 87(2)(b) was uncooperative with providing sworn testimony to the CCRB.

In their CCRB statements, Det. Ambrosino, Det. Silverio, and Det. Fratangelo stated that § 87(2)(b) was screaming and belligerent when she arrived at the location (Board Review 02-04). Det. Ambrosino and Det. Silverio stated that § 87(2)(b) was walking back and forth while in the hallway (Board Review 02 and 04). Det. Ambrosino stated that the hallway was approximately two feet wide and § 87(2)(b) pushed past him two to three times with her shoulders. Det. Ambrosino and Det. Fratangelo stated that at some point, § 87(2)(b) put her cellphone up within inches from Det. Ambrosino’s face (Board Review 02 and 03). Det. Silverio did not know whether § 87(2)(b) put her hands up or if she was recording during the incident, but he stated that she was within two inches of Det. Ambrosino. In response, Det. Ambrosino stated that he flinched, put his left hand up and told her not to put her camera in his face because they were too close and it was a safety concern because he thought § 87(2)(b) was going to him. Det. Silverio stated that he saw Det. Ambrosino put his hand up and step back. Det. Fratangelo stated that Det. Ambrosino told § 87(2)(b) to move back and she complied. Det. Ambrosino did not recall making physical contact with § 87(2)(b) and neither Det. Silverio nor Det. Fratangelo saw Det. Ambrosino push § 87(2)(b) hand.

At 7:50 minutes of the video obtained from Det. Ambrosino’s Department cellphone, § 87(2)(b) is narrating the incident with her phone in front of her (Board Review 12). At 7:55 minutes, § 87(2)(b) walks toward Det. Ambrosino and raises her camera above Det. Ambrosino’s Department phone and out of view. The Department video immediately shakes and Det. Ambrosino says, “Don’t put that in my face.” § 87(2)(b) subsequently walks away.

The video footage corroborates Det. Ambrosino's account of the size of the hallway and the officers' account of § 87(2)(b) demeanor. Although Det. Silverio and Det. Fratangelo stated that they did not see Det. Ambrosino push § 87(2)(b) hand, Det. Ambrosino did not recall whether he did so. The video footage did not show whether Det. Ambrosino pushed § 87(2)(b) hand, but it corroborated Det. Ambrosino and Det. Silverio's statement that § 87(2)(b) raised her camera towards Det. Ambrosino. Furthermore, from the video, the investigation determined that Det. Ambrosino made a movement which caused the camera to shake as § 87(2)(b) raised her phone.

§ 87(2)(g)

**Allegation (D) Abuse of Authority: Detective John Ambrosino threatened to arrest**

§ 87(2)(b)

§ 87(2)(b) and § 87(2)(b) do not live at § 87(2)(b) but § 87(2)(b) and § 87(2)(b) were staying at the residence at the time. The residence belonged to § 87(2)(b) and § 87(2)(b) niece, § 87(2)(b)

At 2:44 minutes of the video obtained from Det. Ambrosino's Department cellphone, Det. Ambrosino tells § 87(2)(b) "[§ 87(2)(b) is] not letting us in. That's impeding our investigation. We're recording it and if she keeps doing this she is going to be charged with it" (Board Review 12).

As noted above, none of the civilians cooperated with providing a sworn statement to the CCRB.

Det. Silverio stated that they were going to the location in an attempt to arrest the subject of a parole warrant, § 87(2)(b) who also had an arrest warrant for murder (Board Review 04). § 87(2)(b) has been arrested at the location in the past and Det. Silverio knew that § 87(2)(b) spouse lived at the location and they have a child together. On August 12, 2018, Det. Silverio spoke with Parole and confirmed that § 87(2)(b) was still wanted and that he could be anywhere and that he was seen a block away from § 87(2)(b) on an unknown date. Det. Silverio did not have any additional information regarding whether § 87(2)(b) would be at § 87(2)(b). At the location, Det. Silverio knocked on the door adjacent to § 87(2)(b) and he spoke with a female who pointed to § 87(2)(b) and stated that she saw § 87(2)(b) leave that apartment at approximately 1:00 a.m. on the previous day. When Det. Silverio spoke with § 87(2)(b) through the door, he informed her of who they were, why they were there, and that they had a warrant.

In his CCRB statement, Det. Ambrosino stated that Det. Silverio informed him that he had a lead that § 87(2)(b) was inside § 87(2)(b) but Det. Silverio did not provide any details of the lead to Det. Ambrosino.

§ 87(2)(g)

In their CCRB statements, Det. Silverio, Det.

Ambrosino, and Det. Fratangelo all stated that they heard footsteps emanating from inside § 87(2)(b) (Board Review 02-04). Det. Silverio knocked for several minutes, and when § 87(2)(b) responded from inside, she refused to open the door.

Det. Silverio believed that § 87(2)(b) was buying time for the subject to hide because there was a delay. In Det. Ambrosino's experience, when someone is apprehensive with opening the door, it leads him to believe that they are hiding someone or someone who should not be there inside. There was nothing else that led Det. Ambrosino to believe that there was anyone else inside the residence.

All three officers stated that § 87(2)(b) had not committed any crimes and she did not do anything that warranted an arrest. Det. Ambrosino denied threatening to arrest § 87(2)(b).

According to a CLEAR search, § 87(2)(b) last reported address from December 1, 2018, was § 87(2)(b) (Board Review 07).

A search warrant had not been obtained for § 87(2)(b) (Board Review 08).

Although Det. Ambrosino denied threatening to arrest § 87(2)(b) in the video footage Det. Ambrosino tells § 87(2)(b) that § 87(2)(b) would be arrested for impeding their investigation because she was not opening the door.

It is undisputed that § 87(2)(b) refused to open the door knowing that officers were outside. From the video obtained from Det. Ambrosino's cellphone, the officers explained to § 87(2)(b) and § 87(2)(b) that they had a warrant for § 87(2)(b).

A parole or arrest warrant carries with it the limited authority to enter a dwelling in which the suspect lives and where the officer has a reasonable belief that the suspect is within, People v Paige, 77 A.D.3d 1193 (2010) (Board Review 14).

A person is guilty of obstructing governmental administration when he/she intentionally obstructs, impairs, or perverts the administration of law or other governmental function or prevents or attempts to prevent a public servant from performing an official function by means of intimidation, physical force or interference, or by means of any independently unlawful act, NYS Penal Law §195.05 (Board Review 15).

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**Allegation (E) Abuse of Authority: Detective Michael Fratangelo entered § 87(2)(b) in Manhattan.**

**Allegation (F) Abuse of Authority: Sergeant Carlos Matos entered § 87(2)(b) in Manhattan.**

**Allegation (G) Abuse of Authority: Police Officer Gregori Perez entered § 87(2)(b) in Manhattan.**

**Allegation (H) Abuse of Authority: Police Percy Quispe entered § 87(2)(b) in Manhattan.**

As stated above, none of the civilians provided a sworn statement to the CCRB and only § 87(2)(b) mentioned that officers entered the residence. However, § 87(2)(b) did not provide any additional details regarding the entry and she only stated that one of the uniformed officers entered.

§ 87(2)(b) called 911 and requested additional officers to respond to the location. Sgt. Matos, PO Perez, PO Quispe, and PO Stayton arrived at the location.

Det. Silverio, Det. Ambrosino, and Det. Fratangelo stated that after uniformed officers arrived, § 87(2)(b) pointed and stated that Det. Fratangelo, Sgt. Matos, and the uniformed officers could enter the location. Det. Fratangelo, Sgt. Matos, PO Perez, and PO Quispe subsequently entered the location. The search yielded negative results for § 87(2)(b)

Sgt. Matos could not be interviewed during the investigation because he was on military leave.

PO Quispe did not recall if there was a conversation about consent to enter, but he followed the officers into the residence and stood by the door to ensure the safety of the other officers who entered. PO Perez stated that § 87(2)(b) told Sgt. Matos that he could come in. PO Perez only recalled Sgt. Matos entering the apartment. However, he affirmed that he entered the location after reviewing video footage obtained from Det. Ambrosino's Department cell phone, but he did not have an independent recollection of this.

At 35:35 minutes of the video obtained from Det. Ambrosino's Department cellphone, § 87(2)(b) tells uniformed officers standing out of the camera's view and Det. Fratangelo that they could enter the residence. Sgt. Matos, PO Quispe, PO Perez, Det. Fratangelo subsequently entered the location with § 87(2)(b) § 87(2)(b) did not protest any of the officers entering the location.

Without a search warrant, an officer may only permissibly enter the dwelling of a third party to execute an arrest warrant with the consent of an authorized party or under exigent circumstances, Payton v. New York, 445 U.S. 573 (1980) (Board Review 14).

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### **Civilian and Officer CCRB Histories**

- This is the first CCRB complaint to which § 87(2)(b) and § 87(2)(b) has been a party (Board Review 09 and 10).
- Det. Ambrosino has been a member of the NYPD for seven years and has been a subject in two CCRB complaints and two allegations, none of which were substantiated. Since this incident, Det. Ambrosino has been a subject to three CCRB complaints and seven allegations, none of which were substantiated and four allegations are pending.
- Det. Fratangelo has been a member of the NYPD for nine years and has been a subject in five CCRB complaints and eight, of which three allegations are pending and one was substantiated:
  - 201708958 involved substantiated allegations of an entry and search against Det. Fratangelo. The Board Recommended Formalized Training and the NYPD imposed the Board's recommendation. In this case, Det. Fratangelo entered and searched the residence looking for a subject with an open bench warrant and two I-Cards. Det. Fratangelo did not have a search warrant, was not provided with consent to enter, § 87(2)(g).
- PO Perez has been a member of the NYPD for four years and this is the first CCRB complaint to which he has been a subject.
- PO Quispe has been a member of the NYPD for one year and this is the first CCRB complaint to which he has been a subject.
- Sgt. Matos has been a member of the NYPD for 11 years and has been a subject in two CCRB complaints and three allegations, none of which were substantiated. § 87(2)(g).

### **Mediation, Civil and Criminal Histories**

- § 87(2)(b) was offered Mediation, but she did not provide a response. As noted above, none of the civilians provided a sworn statement in this case.
- On March 22, 2019, a Notice of Claim query was sent via email (Board Review 11).
- According to the Office of Court Administration (OCA), § 87(2)(b) and § 87(2)(b) has no history of convictions in New York City within the past 10 years (Board Review 16 and 17).

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Squad No.: \_\_\_\_\_

Investigator: \_\_\_\_\_

Signature	Print Title & Name	Date
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Squad Leader: \_\_\_\_\_

	Signature	Print Title & Name	Date
Reviewer:	_____	_____	_____
	Signature	Print Title & Name	Date